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cc: Peter



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 East 500 North

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



RECEIVED

DEC 02 2013

DIV. OF OIL, GAS & MINING

In Reply Refer to:
3809 (UTW02000)
UTU-70693

November 26, 2013

CERTIFIED MAIL # 7012 3460 0000 6633 0526
RETURN RECEIPT REQUESTED

DECISION

Estate of Marion K. Nielson
c/o Mr. Scott Nielson
3900 South Redwing Street
West Valley City, UT 84119

: 43 CFR 3809 - Surface Management Notice
:
:
:

Release of Financial Guarantee and Closure of Case File

Your Notice for the Miller Canyon Placer Mining Project in the House Range of Millard County, Utah underwent inspection on March 19, 2013 and November 15, 2013. The purpose of the inspection was to examine reclamation progress since the Notice authorization expired on January 20, 2005. This Notice was located in aliquot parts of Township 19 South, Range 14 West, sections 11 and 12.

Your Notice to conduct mining was assigned Bureau of Land Management (BLM) case file number UTU-70693. Please refer to this number for any future communication concerning the Plan of Operations. This operation is also permitted with the Utah Division of Oil, Gas, and Mining (UDOGM) under their Small Mining Operation Permit S/027/0056.

BLM Fillmore Field Office (FFO) staff members performed the March 19, 2013 and November 15, 2013 field inspections. The inspections revealed that earthwork was complete to BLM standards and revegetation progress was satisfactory. BLM case file UTU-70693 will therefore be closed.

Amount of Financial Guarantee – The FFO has determined a financial guarantee for the reclaimed site of your Notice UTU-70693 in the Miller Canyon area is no longer necessary. The financial guarantee amount for this site is therefore reduced to \$0.00.

Required Financial Guarantee – A financial guarantee in the amount of \$1,195.00 is currently

being held by the BLM Utah State Office. This financial guarantee may be released.

Appeal of the Decision Determining the Required Financial Guarantee Amount - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3809.804, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office at:

Utah State Office
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, Utah 84101-1345

A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a Stay is granted by the State Director. Standards for obtaining a Stay are given below. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision concerning your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office at 95 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR §4.21 for a Stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a Stay must accompany your notice of appeal. A petition for a Stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a Stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

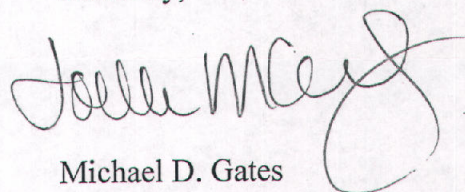
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a Stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied
2. The likelihood of the appellant's success on the merit
3. The likelihood of immediate and irreparable harm if the Stay is not granted
4. Whether the public interest favors granting the Stay

If you have any questions concerning your BLM case file UTU-70693, please contact Duane Bays, FFO Natural Resource Specialist, at (435) 743-3115.

Sincerely,



Michael D. Gates
Field Manager

Enclosure: Form 1842-1

cc:

Wayne Western

UDOGM

1594 W North Temple Ste 1210

Salt Lake City, UT 84114

Opie Abeyta (UT-923)

Utah State Office/ BLM

PO Box 45155

Salt Lake City, UT 84145-0155